

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICHAEL CARSON,

Plaintiff,

v.

JOE HAIDER,

Defendant.

Case No. 17-CV-237-JPS

ORDER

The plaintiff has filed a *pro se* complaint alleging racial discrimination. (Docket #1). This matter comes before the Court on the plaintiff's petition to proceed *in forma pauperis*. (Docket #2). Notwithstanding the payment of any filing fee, the Court must dismiss a complaint if it raises claims that are "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The plaintiff's complaint must be dismissed for want of subject matter jurisdiction. Federal courts are courts of limited jurisdiction, and may only hear cases in two primary categories: 1) those raising issues of federal law, known as "federal question" jurisdiction, and 2) those between parties who are citizens of different states and which involve an amount in controversy exceeding \$75,000.00, known as "diversity" jurisdiction. *See* 28 U.S.C. §§ 1331 and 1332(a).

The plaintiff has not properly invoked either form of jurisdiction. The first sentence of the factual allegations states that "I [the plaintiff] have initiated the start of a legal lawsuit; Process of Discrimination under Wisconsin Fair Housing Law, Chapter 106 Wisconsin statutes." (Docket #1 at 3). This is a claim made explicitly under Wisconsin, not federal, law.

Diversity is also lacking. The plaintiff pleads that both he and the defendant are citizens of Wisconsin. *Id.* at 1-2. The complaint must, therefore, be dismissed without prejudice. The plaintiff's motion to proceed *in forma pauperis* will be denied as moot.

Accordingly,

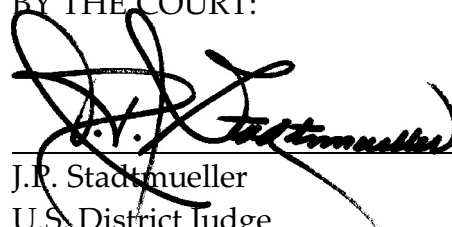
IT IS ORDERED that this action be and the same is hereby **DISMISSED without prejudice**; and

IT IS FURTHER ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED as moot**.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 24th day of February, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge